

Appl. No. 10/604,362
Amdt. dated August 29, 2005
Reply to Office action of July 12, 2005

REMARKS/ARGUMENTS

1. Rejection of claim 9 under 35 U.S.C. 112, second paragraph:

5 Claim 9 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 is unclear in that it refers to a third PMOS transistor, however fails to disclose a second PMOS transistor. Correction an/or clarification is required.

Response:

10 Claim 9 has been amended to change the recitation of the "third PMOS transistor" to be a "second PMOS transistor". In addition, claims 10 and 11 have been amended to depend on claim 9 instead of claim 8. The original dependency on claim 8 was an error made without deceptive intent. Reconsideration of claim 9 is respectfully requested.

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2. Rejection of claims 1 and 3-5 under 35 U.S.C. 103(a):

 Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung et al. (US 6,690,561) in view of Carobolante (US 5,550,497).

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Response:

 Since the issue date of the Hung et al. patent is not earlier than the earliest effective filing date of the instant application, the Hung et al. patent only qualifies as prior art under 35 U.S.C. 102(e). According to Section 4807 of the "American Inventor Protection Act of 1999", the subject matter which was prior art under
25 former 35 U.S.C. 103(c) via 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the

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invention was made, owned by the same person or subject to an obligation of assignment to the same person.” The Hung et al. patent (US 6,690,561) is assigned to the same assignee as the instant application. The subject matter of the claimed invention was subject to an obligation of assignment to Faraday Technology Corp.
5 Therefore, according to 35 U.S.C. 103(c), the Hung et al. patent does not qualify as prior art with respect to the instant application. Reconsideration of claims 1 and 3-5 is therefore respectfully requested.

3. Rejection of claim 2 under 35 U.S.C. 103(a):

10 Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hung et al. in view of Carobolante as applied above, and further in view of Usenko (US 6,690,561).

Response:

15 Claim 2 is dependent on claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claim 2 is respectfully requested.

4. Introduction to new claim 12:

20 New claim 12 is drafted to include limitations from the original claim 6. Currently amended claim 6 now contains the remaining limitations of original claim 6, and is now dependent on claim 12.

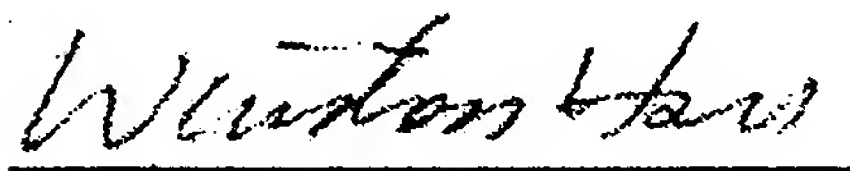
25 Claim 12 contains the limitation of “a second voltage source that is independent from the first voltage source but with the same voltage as the first voltage source”. On the other hand, neither Hung et al. nor Carobolante teach the use of two independent voltage sources that have the same voltages, and therefore do not teach all of the limitations of claim 12. Acceptance of claim 12 is respectfully requested.

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In light of the above arguments in favor of patentability, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,

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15 is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)